

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:11CR286</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>JUANA TAPIA-BORJAS,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Defendant's objections (Filing No. 66) to the Magistrate Judge's order (Filing No. 65) denying the Defendant's motion for pretrial release.

Under 28 U.S.C. § 636(b)(1)(A) and NECrimR 59.2, the Court has reviewed the order from which this appeal has been taken. A district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

The issue of pretrial release has been considered three times by two magistrate judges.<sup>1</sup> (Filing Nos. 21, 33, 65.) The Defendant is considered to be a flight risk. As the government argues in its brief opposing the most recently filed motion for release, the Defendant's situation deteriorated with her indictment since the last time the issue of release was considered. A proposed third party custodian appears to be suitable, but the Magistrate Judges' concerns primarily rest on an ICE bond that has been revoked. The Defendant speculates that an immigration judge would grant her a second bond at an unknown amount. In the Defendant's objections to the latest order denying her release,

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<sup>1</sup>The case was reassigned from United States Magistrate Judge F.A. Gossett to United States Magistrate Judge Thomas D. Thalken. (Filing No. 34.)

the only new argument is that she has already served a substantial portion of her sentence, assuming she will be convicted. The Court does not have sufficient information at this time to speculate as to the length of any sentence that might be imposed in the event of a conviction. This argument, and the others previously made, are unavailing.

IT IS ORDERED:

1. The Defendant's objections to the Magistrate Judge's order (Filing No. 66) are denied; and
2. The Magistrate Judge's order (Filing No. 65) is affirmed.

DATED this 26<sup>th</sup> day of September, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge